

1 Nathan A. Oyster (SBN 225307)
E-mail: noyster@bwsllaw.com
2 Caylin W. Jones (SBN 327829)
E-mail: cjones@bwsllaw.com
3 BURKE, WILLIAMS & SORESENSEN, LLP
444 South Flower Street, 40th Floor
4 Los Angeles, California 90071-2942
Tel: 213.236.0600 Fax: 213.236.2700

5 Attorneys for Defendants
6 COUNTY OF RIVERSIDE
and JOHN BARTO
7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 JOHN DOBBINS; individually and as
12 successor in interest to JENNIFER
DOBBINS, Decedent,

13 Plaintiffs,

14 v.

15 COUNTY OF RIVERSIDE; JOHN
16 BARTO; and DOES 1-10, inclusive,

17 Defendants.
18

Case No. 5:25-cv-01444-JGB-DTB

**DEFENDANTS' ANSWER TO
COMPLAINT, AND DEMAND FOR
JURY TRIAL**

Judge: Jesus G. Bernal

19 COME NOW Defendants COUNTY OF RIVERSIDE and JOHN BARTO,
20 (hereinafter "Defendants"), answering Plaintiff's Complaint for themselves and for
21 no other parties, admit, deny, and allege as follows:

22 **INTRODUCTION AND GENERAL ALLEGATIONS**

23 1. In answering Paragraph 1 and 2 of the Complaint, Defendants admit
24 that this Court has jurisdiction over Plaintiff's claims and venue is proper. To the
25 extent any statement of law is made therein, these answering Defendants assert the
26 law speaks for itself.

27 2. In answering paragraphs 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 22, 23,
28 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46,

1 47, 48, 49, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71,
2 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 86, 88, 89, 90, 91, 92, 93, 94, 95,
3 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 115,
4 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 128, 129, 130, 131, 132, 133,
5 134, 136, 137, 128, 139, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 153,
6 154, 155, 156, 157, 158, 159, 160, 161, 162 and the prayer for relief of the
7 Complaint, this answering Defendant denies any and all allegations of the respective
8 paragraphs. To the extent any statement of law is made therein, this answering
9 Defendant asserts the law speaks for itself.

10 3. In answering Paragraphs 10, 11, 14, 15, 16, Defendants lack sufficient
11 information to respond to the allegations of the paragraphs and therefore deny any
12 and all allegations. To the extent any statement of law is made therein, these
13 answering Defendants assert the law speaks for itself.

14 4. In answering paragraph 12 of the Complaint, Defendants admit that the
15 County of Riverside is a municipal entity organized and existing under the laws of
16 the State of California. Defendants deny all remaining allegations.

17 5. In answering paragraph 13 of the Complaint, Defendants admit that the
18 Deputy John Barto was a Riverside County Sheriff's Department employee at all
19 relevant times. Defendants deny all remaining allegations.

20 6. In answering paragraphs 27, 50, 57, 68, 77, 87, 100, 113, 126, 135,
21 142, 152, of the Complaint, these answering Defendants hereby incorporate their
22 admissions and denials to the Complaint.

23 **AFFIRMATIVE DEFENSES**

24 AS SEPARATE AND AFFIRMATIVE DEFENSES, Defendants alleges as
25 follows:

26 **FIRST AFFIRMATIVE DEFENSE**

27 7. The Complaint fails to state a claim upon which relief can be granted.
28 The Complaint also fails to state a claim for relief against the Defendants.

1 **SECOND AFFIRMATIVE DEFENSE**

2 8. Defendants deny that Plaintiff has been deprived of any rights,
3 privileges, or immunities guaranteed by the laws of the United States or by the laws
4 of the State of California.

5 **THIRD AFFIRMATIVE DEFENSE**

6 9. At all relevant times, Defendants acted within the scope of discretion,
7 with due care, and good faith fulfillment of responsibilities pursuant to applicable
8 statutes, rules and regulations, within the bounds of reason under the circumstances,
9 and with the good faith belief that its actions comported with all applicable laws.

10 **FOURTH AFFIRMATIVE DEFENSE**

11 10. Plaintiff suffered no actual injuries, damages, or losses due to
12 Defendants' conduct.

13 **FIFTH AFFIRMATIVE DEFENSE**

14 11. Defendants deny that it violated Decedent's Fourth Amendment rights,
15 or any other federal, constitutional, or other rights.

16 **SIXTH AFFIRMATIVE DEFENSE**

17 12. To the extent that any force was used against Decedent, the force used
18 was privileged and reasonable as a matter of law.

19 **SEVENTH AFFIRMATIVE DEFENSE**

20 13. Decedent's own conduct estops Plaintiff from claiming the damages
21 alleged in the Complaint.

22 **EIGHTH AFFIRMATIVE DEFENSE**

23 14. At all relevant times, each Defendant acted independently and not in
24 association or concert with or as agent or servant of any other Defendant, including
25 any sued herein under fictitious names, or of the employees or agents of other
26 Defendants.

27 **NINTH AFFIRMATIVE DEFENSE**

28 15. To the extent that Plaintiff has alleged a supplemental state law cause

1 of action, he has failed to submit timely Government Claims, as required by the
2 California Tort Claims Act of 1963, which is codified as California Government
3 Code § 810-998.3, which bars this Court from hearing those claims.

4 **TENTH AFFIRMATIVE DEFENSE**

5 16. Defendants are immune from liability under various statutory
6 provisions, including, but not limited to Cal. Gov't Code §§ 815, 815.2, 815.4, 818,
7 818.2, 818.6, 818.8, 820, 820.2, 820.4, 820.6, 820.8, 821.4, 821.6, 821.8, 822.2, 830
8 (c), 830.2, 830.4, 830.5, 830.6, 830.8, 831, 831.4, 835, 835.4, 831.7, 835, 835.4,
9 840, 840.2, 840.4 and 840.6, 844, 845.6, 845.8, as well as Civil Code § 846.

10 **ELEVENTH AFFIRMATIVE DEFENSE**

11 17. Plaintiff's claims are barred by all applicable statute of limitations.

12 **TWELFTH AFFIRMATIVE DEFENSE**

13 18. Defendants are immune to suit for damages in their official capacities
14 pursuant to the Eleventh Amendment of the U.S. Constitution.

15 **THIRTEENTH AFFIRMATIVE DEFENSE**

16 19. Plaintiff is not entitled to punitive damages because Defendants did not
17 act with malicious intent to deprive Plaintiff of any constitutional right or to cause
18 any injury. Punitive damages are not recoverable for the claims set forth.

19 **FOURTEENTH AFFIRMATIVE DEFENSE**

20 20. The individual Defendants are immune from the imposition of punitive
21 damages in their official capacity.

22 **FIFTEENTH AFFIRMATIVE DEFENSE**

23 21. To the extent that the Complaint seeks punitive damages against a
24 public entity, punitive damages cannot be imposed against a public entity.

25 **SIXTEENTH AFFIRMATIVE DEFENSE**

26 22. The individual Defendants are entitled to qualified immunity.

27 **SEVENTEENTH AFFIRMATIVE DEFENSE**

28 23. Any injuries or damages suffered by Plaintiff, if any, were caused

solely by reason of Decedent's wrongful acts and conduct, and not by reason of any unlawful acts or omissions of Defendants.

EIGHTEENTH AFFIRMATIVE DEFENSE

24. Plaintiff's claims are barred by the doctrine of unclean hands.

NINETEENTH AFFIRMATIVE DEFENSE

25. Plaintiff's claims are barred by the doctrine of laches.

TWENTIETH AFFIRMATIVE DEFENSE

26. Plaintiff has failed to join necessary and/or indispensable parties.

TWENTY-FIRST AFFIRMATIVE DEFENSE

27. Any recovery on the Plaintiff's Complaint, or any purported claim or cause of action alleged therein, is barred in whole or in part by the Plaintiff's failure to mitigate their damages.

TWENTY-SECOND AFFIRMATIVE DEFENSE

28. Plaintiff lacks standing and/or capacity to pursue their causes of action because they are not the proper heirs or successors of interest of the decedent.

TWENTY-THIRD AFFIRMATIVE DEFENSE

29. That the damages, if any, should be in direct proportion to the fault of Defendants, if any, as provided by Civil Code Sections 1431 to 1431.5.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

30. Defendants are immune from Plaintiff's claims under California law, pursuant to California Government Code §§ 844.6(a)(1-2) and § 830.9.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

31. Defendants are informed and believe and, therefore allege that the Complaint is barred on the grounds that Plaintiff assumed the risk that led to Plaintiff's alleged damages and injuries, if any damages or injuries exist.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

32. Defendants are not liable for Plaintiff's alleged injuries and damages, if

1 any injuries or damages exist, insofar as Plaintiff seek to impose liability for
2 damages resulting from any intervening conduct, events, occurrences, or actions that
3 occurred after Defendants' alleged conduct.

4 **TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

5 33. Any act constituting negligence and/or other fault of any other persons
6 or entities constitutes superseding and intervening causes of any damages or injuries
7 allegedly sustained by Plaintiff and precludes recovery by Plaintiff herein against
8 Defendants.

9 **TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

10 34. Any and all happenings, events, damages and injuries, if any, referred
11 to in the Complaint were proximately caused and contributed by Plaintiff's own
12 conduct in that Plaintiff failed to exercise ordinary care at the alleged times and
13 places.

14 **TWENTY-NINTH AFFIRMATIVE DEFENSE**

15 35. The injuries, damages, and losses, if any, which Plaintiff claim they
16 sustained as a result of the events and incidents alleged in the Complaint were
17 caused and contributed to by the negligence and/or wrongful conduct of Plaintiff,
18 thus barring any recovery by Plaintiff, or reducing said recovery in an equal amount
19 to the percentage of Plaintiff's own fault found to have caused or contributed to the
20 damages alleged in the Complaint.

21 **THIRTIETH AFFIRMATIVE DEFENSE**

22 36. In the event Defendants are found in some manner legally liable to
23 Plaintiff, Defendants are entitled to indemnity from Plaintiff under equitable
24 principles of partial and comparative indemnity, to the extent that the acts,
25 omissions, conduct, and/or breach of obligations by Plaintiff were negligent or
26 otherwise at fault, and that such negligence or fault was a substantial factor in
27 causing Plaintiff's alleged harm, injuries, and damages.

1 **THIRTY-FIRST AFFIRMATIVE DEFENSE**

2 37. Plaintiff's alleged injuries, damages, and losses, if any, were caused or
3 contributed to by acts or omissions of third parties rather than Defendants. It is thus
4 necessary that the proportion or degree of negligence or fault of each of said persons
5 or entities, wherein parties to this action or not, be judicially determined such that
6 any judgment that might be rendered against Defendant be reduced in proportion to
7 the degree of fault attributed to each and every third person or entity found liable to
8 Plaintiff herein. As against each such third party or entity, wherein served or not
9 served in this action, whose acts or omissions are found to cause or contribute in any
10 fashion to the injuries, if any, alleged to have been suffered by Plaintiff, Defendants
11 reserve the right to cross-complaint and/or move for judgment against such person
12 or entity.

13 **THIRTY-SECOND AFFIRMATIVE DEFENSE**

14 38. Pursuant to the provisions of Cal. Gov't Code § 815.6, Defendants are
15 immune from liability in that any mandatory duties imposed upon Defendants were
16 exercised with reasonable diligence.

17 **THIRTY-THIRD AFFIRMATIVE DEFENSE**

18 39. Because the Complaint is couched in conclusory terms, Defendants
19 cannot fully anticipate all affirmative defenses that may be applicable to this action.
20 Accordingly, the right to assert additional affirmative defenses, if and to the extent
21 that such affirmative defenses are applicable, is hereby reserved.
22
23
24
25
26
27
28

1 Dated: July 9, 2025

BURKE, WILLIAMS & SORENSEN, LLP

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Caylin W. Jones
Nathan A. Oyster
Caylin W. Jones
Attorneys for Defendants
COUNTY OF RIVERSIDE
and JOHN BARTO

DEMAND FOR JURY TRIAL

WHEREFORE, Defendants COUNTY OF RIVERSIDE and JOHN BARTO pray that:

1. Judgment be rendered in favor of Defendants COUNTY OF RIVERSIDE and JOHN BARTO against Plaintiff;

2. Plaintiff take nothing by this action;

3. Defendants COUNTY OF RIVERSIDE and JOHN BARTO be awarded costs of suit incurred herein; and

4. Defendants COUNTY OF RIVERSIDE and JOHN BARTO be awarded such other and further relief as the Court may deem necessary and proper.

Defendants COUNTY OF RIVERSIDE and JOHN BARTO demand a trial by jury on all issues raised in the Complaint that are triable by a jury.

Dated: July 9, 2025

BURKE, WILLIAMS & SORENSEN, LLP

By: /s/ Caylin W. Jones

Nathan A. Oyster

Caylin W. Jones

Attorneys for Defendants

COUNTY OF RIVERSIDE

and JOHN BARTO